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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M11-612

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UNITED STATES OF AMERICA

-against-

AFFIDAVIT IN SUPPORT
OF A SEARCH WARRANT

(T. 21 U.S.C. §§
841(a)(1) and 846)

ONE EXPRESS MAIL PARCEL NO.
EG816450636US, ADDRESSED TO
J.S. SPORTS, ATTN: LY, 965 57TH STREET,
FLOOR 1, BROOKLYN, NEW YORK 11219

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EASTERN DISTRICT OF NEW YORK, SS:

JAMES V. BUTHORN, being duly sworn, deposes and says
that he is a Postal Inspector with the United States Postal
Inspection Service ("USPIS"), duly appointed according to law
and acting as such.

Upon information and belief, there is probable cause
to believe that, presently concealed within ONE EXPRESS MAIL
PARCEL NO. EG816450636US, ADDRESSED TO J.S. SPORTS, ATTN: LY,
965 57TH STREET, FLOOR 1, BROOKLYN, NEW YORK 11219, measuring
approximately 20" x 20" x 20", weighing approximately 27 pounds
and 14 ounces ("SUBJECT PARCEL") are controlled substances which
constitute evidence of violations of Title 21, United States
Code, Sections 841(a)(1) and 846.

The source of your affiant's information and the

grounds for his belief are as follows:^{1/}

1. I am employed as a Postal Inspector and have been so employed for approximately 12 years. I am currently assigned to the Prohibited Mailing Team responsible for investigating the use of the United States Mails to transport controlled substances, which include marijuana, cocaine and heroin. In that capacity, I have participated in numerous investigations concerning the use of the mails to transport narcotics. I am familiar with the facts and circumstances of this investigation from my personal participation in the investigation and from information obtained from other law enforcement agents.

2. Based on my knowledge and experience reviewing packages suspected to contain narcotics and controlled substances, I know that Express Mail is a frequently used method of transporting quantities of controlled substances, particularly marijuana, cocaine, heroin and crack cocaine. Furthermore, I am aware that handwritten mailing labels and heavily taped box seams are characteristic of narcotics shipments.

3. On or about June 7, 2011, Postal Inspectors located at John F. Kennedy International Service Center were reviewing Express Mail Parcels. After reviewing several

¹ Because the purpose of this Affidavit is to set forth only those facts necessary to establish probable cause to search, I have not set forth all of the facts and circumstances of which I am aware.

parcels, Inspectors observed the SUBJECT PARCEL. The SUBJECT PARCEL is a brown box, measuring approximately 20" x 20" x 20" and weighing approximately 27 pounds and 14 ounces. The seams and openings of the SUBJECT PARCEL are taped. The label on the SUBJECT PARCEL is handwritten. The sender for the package is listed as "J.S. Sports LTD., 816 Selkirk Place, Sunnyvale, California 94087." The destination address for the package is listed as "J.S. Sports, Attn: Ly, 965 57th Street, Floor 1, Brooklyn, New York 11219." Public and postal database checks revealed that the recipient address on the SUBJECT PARCEL is partially fictitious. The address exists, but there is no known business by the name of J.S. Sports located at that address. Based on intelligence obtained by Postal Inspectors through the interception of parcels destined for New York and containing narcotics, I am aware that California is a known point of origin for narcotics shipped through the United States Mail.

4. At approximately 2:37 p.m. on June 7, 2011, "Art," a trained narcotics canine from the Port Authority Police Department ("PAPD"), gave a positive alert to the SUBJECT PARCEL, indicating that the SUBJECT PARCEL contained a controlled substance or the residue of a controlled substance.²

2 I am informed by "Art's" handler, a PAPD Officer, that "Art" was acquired by the PAPD in approximately March 2005 after having completed a basic course of instruction in controlled substances detection at the PAPD K-9 Training Academy. Since that time, "Art" has regularly served the PAPD as a K-9 Narcotics Detecting Dog, receives continuous training, and is

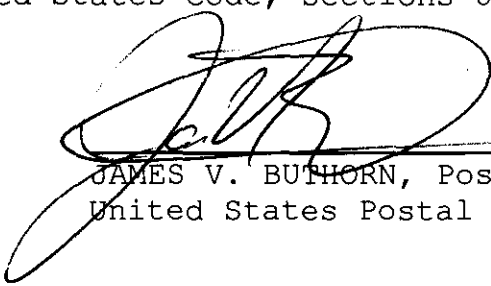
5. The SUBJECT PARCEL is presently at the Brooklyn General Post Office ("Brooklyn GPO") and is securely stored within the building.

6. Based on the facts recited above, there is probable cause to believe that the SUBJECT PARCEL contains controlled substances.^{3/}

utilized regularly for the purpose of detecting controlled substance odors. "Art" received his most recent recertification on June 4, 2011 from the United States Police Canine Association. I am further informed that "Art" is routinely used to conduct searches of automobiles, packages, and suitcases. "Art" has made positive indications on narcotics in the field, including marijuana, cocaine, heroin, ecstasy, methamphetamine, and their derivatives. "Art" has been approximately 98% accurate in detecting the presence of controlled substances within parcels and other items. That is, in approximately 98% of the instances in which "Art" alerted to a package, the package contained contraband. "Art" alerts after detecting the scent of controlled substances, and his alert consists of biting and scratching. Therefore, there is probable cause to believe that "Art" is reliable and that the SUBJECT PARCEL contains a controlled substance or its residue.

3 A positive indication by a trained narcotics-detection canine to a parcel establishes probable cause to believe the parcel contains a controlled substance. See United States v. Glover, 957 F.2d 1004, 1013 (2d Cir. 1992) ("[O]nce the narcotics dog hit 'on' [the defendant's] bags, the police had probable cause to obtain a search warrant.").

WHEREFORE, your affiant respectfully requests that a warrant be issued authorizing the USPS Postal Inspectors, with such other assistance as may be necessary, to open the SUBJECT PARCEL and to search for and seize controlled substances of any sort and their packaging which constitute evidence of violations of Title 21, United States Code, Sections 841(a)(1) and 846.



JAMES V. BUTHORN, Postal Inspector
United States Postal Inspection Service

Sworn to before me this
13th day of June, 2011

